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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,744

08/04/2006

Jea-Sam Lee

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IPLA P.A.

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17TH FLOOR

LOS ANGELES, CA 90010

EXAMINER

KEMMERLE III, RUSSELL J

ART UNIT

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1791

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,744	Applicant(s) LEE, JEA-SAM	
	Examiner RUSSELL J. KEMMERLE III	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

In view of the amendments made by the applicant, the previous rejections under 35 USC §112 are withdrawn.

Claims 1-5 and 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “the control means is configured to start the air supply means the moment to eject the air into the mold creating an air film...”. It is unclear from this at what time the air supply is to be started (“the moment” what happens?).

Claims 2-5 and 7 are rejected based on their dependence from claim 1.

Claim Rejections - 35 USC § 103

Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn ‘109 (US Patent 2,584,109) in view of Blackburn ‘110 (US Patent 2,584,110), Faessle (US Patent 4,541,471) and Nemeskeri (US Patent 6,918,753).

The Blackburn references both disclose a method of press molding a clay object as well as a pressing machine and a method of making a mold for such an apparatus. The mold disclosed as preferably a gypsum mold in a housing with air tubes running through the mold to allow pressurized air to assist in removing the shaped clay from the

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mold. The housings contain an air supply hole connected to an air supply means to introduce the pressurized air in to the mold.

Faessle discloses a gypsum mold used for shaping materials that includes a wire net running through the gypsum mold across the entire depth of the mold with a porous hose for supplying air connected to the wire net (Col 4 lines 38-39, Fig).

Nemeskeri discloses a pressing machine that includes a frame having an upper mold housing which moves up and down and a lower mold housing that moves back and forth (horizontally) in order to allow for easier removal of the molded piece (see Figs. 8-15).

It would have been obvious to one of ordinary skill in the art, at the time of invention by applicant, to have used the gypsum molds of the Blackburn references in a machine as taught by Nemeskeri and having a wire net running through the mold as taught by Faessle. This would have been obvious because Nemeskeri discloses that the horizontal movement allows for easier removal of the pressed product and the wire net of Faessle would strengthen the gypsum mold. It would be further obvious that some form of control means would be required to control the pressing time and pressure, as well as the air supply.

While the prior art does not appear to configure the control means to start the air supply at the time recited in current claim 1 (although this is unclear since it is not clear what time this is, as discussed above in the rejection under 35 USC §112) that does not appear necessary to meet all the limitations of claim 1. The prior art does disclose a control means which could be configured in any way desired. Since claim 1 recites an

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apparatus, all that is required to meet the limitations is that the same structure be present in or rendered obvious by the prior art. When the control means is configured to start supplying air would be how the apparatus is used, and is therefore not given any weight in the apparatus of claim 1.

Referring to claim 2, while the prior art does not specifically disclose that the drive means are hydraulic, the use of hydraulics to control the movement of a press is extremely well known in the art and would have been obvious to one of ordinary skill at the time of invention by applicant.

Referring to claim 3, Blackburn '109 discloses that a hunk of clay is placed in the mold and pressed, this would require that the clay be cut to a suitable size prior to being placed in the mold in order to ensure that the proper amount of clay is used (Claim 1). One of ordinary skill in the art would understand that prior to molding the clay should be kneaded in order to remove air so that air bubbles are minimized in the final piece, and that after molding the piece would be dried and fired as is traditionally done with ceramic articles. Blackburn '109 discloses that the air pressure is impressed against the pressed clay prior to the release of the molding pressure, which would result in some amount of continuous air supply occurring during some portion of the pressing and casting step (Col 6 lines 5-9). This application of air pressure through the mold would result in some degree of an air film between the mold and the clay. Further, engraving and glazing of a ceramic article prior to firing is notoriously well known as methods of providing a decorative surface on ceramic articles, and would have been

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obvious to one of ordinary skill in the art as a means of providing a ceramic article with the desired final appearance.

Referring to claim 4, Faessle discloses a method of making a gypsum mold by providing a molding housing which has air supply lines running through it into which a prototype piece is placed, followed by filling the housing with gypsum which is allowed to dry around the prototype to form the mold surfaces. During the drying process compressed gas is flowed through the gypsum to assist in water removal (Col 2 lines 3-24).

Referring to claim 5, since the Blackburn references are silent as to the temperature of the clay prior to the pressing it is assumed to be at room temperature. Further Blackburn '109 discloses that the clay to be pressed may be wet or damp, which one of ordinary skill in the art would understand would encompass a moisture content of 15-20 wt% (Col 5 lines 73-74).

Referring to claim 7, while the cited references do not specifically disclose the amount of time the clay is pressed, one of ordinary skill in the art would understand that the pressing would only have to be done for a period of time sufficient to form the clay into the desired shape, and to optimize this time to 1-2 seconds.

Response to Arguments

Applicant's arguments filed 29 April 2009 have been fully considered but they are not persuasive.

Applicants argue that the prior art does not disclose an air ejection tube fixed to a wire net.

This is not found to be persuasive because, as discussed above, Faessle does disclose a air supply hose connected to a wire net. Applicants' arguments relating to what the result of this air supply hose are compared to the results of the prior art are not considered relevant since claim 1 is directed to an apparatus, and any such limitations do not result in any structural difference between the apparatus of the current invention and that of the prior art.

Applicants further argue that the prior art does not disclose a control means configured to start the air supply means at the same time as the current invention.

As discussed above, the prior art does disclose a control means which could be configured in any way desired. Since claim 1 recites an apparatus, all that is required to meet the limitations is that the same structure be present in or rendered obvious by the prior art. When the control means is configured to start supplying air would be how the apparatus is used, and is therefore not given any weight in the apparatus of claim 1.

Applicants similarly argue relating to claim 1 that operation of the apparatus of Blackburn '109 is different than the operation of the current invention. Since these arguments do not result in any structural difference in the apparatus, they are not persuasive to overcoming the rejection of the apparatus of claim 1.

Applicants argue that the wire net of the present invention is different than the one of Faessle, since the wire net of Faessle follows the contour of the mold, while the wire net of the current invention is flat.

This limitation is not found in claim 1, and therefore this argument is not found to be persuasive.

Applicants argue with respect to claim 3 that the prior art does not teach continuously supplying air during the pressing and casting step.

As discussed above, air is supplied in the prior art during this step. Any length of supplying air would constitute a continuous supply of air and would result in some degree of an air film being formed between the mold and the clay.

Applicants argue with respect to claim 4 that voids are not formed in the gypsum molds during drying in the prior art.

As discussed above, Faessle discloses that in drying the gypsum mold compressed air is flowed through it. During this process, voids would be formed in the mold since that is the basic mechanism by which casting in a gypsum mold works, voids must be present in the mold to wick away fluid from the casting slurry.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RUSSELL J. KEMMERLE III whose telephone number is (571)272-6509. The examiner can normally be reached on Monday through Thursday, 7:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. K./
Examiner, Art Unit 1791
/ Carlos Lopez/
Primary Examiner, Art Unit 1791